



INTERIOR BOARD OF INDIAN APPEALS

Estate of Lonnie Kay Jurgens

53 IBIA 23 (02/04/2011)

The jurisdiction of the Board in probate matters is set forth in 43 C.F.R. § 4.320, which limits the Board's review to appeals from orders on petitions for rehearing, petitions for reopening, purchases of interests in decedents' trust estates, and inventory modification orders. As relevant to the Decision in this case, "any legal and/or factual errors and omissions as well as any newly discovered evidence first must be presented to the [IPJ through a petition for rehearing] before an appeal to the Board will be ripe for review." *Estate of Phillip Lorraine Post*, 44 IBIA 108, 109 (2007); see *Estate of Frank Andrew Spencer*, 39 IBIA 190 (2003).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal for lack of jurisdiction. We refer Appellant's appeal to the Probate Hearings Division for consideration as a petition for rehearing.³

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

³ If Appellant is aggrieved by an order on rehearing, she may then appeal that order to the Board pursuant to 43 C.F.R. §§ 4.320 - 4.323.